

Fill in this information to identify your case:

United States Bankruptcy Court for the:

EASTERN DISTRICT OF NEW YORK

Case number (*if known*)Chapter 11 Check if this an amended filing**Official Form 201****Voluntary Petition for Non-Individuals Filing for Bankruptcy**

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Clear Choice Energy, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 20-2577366

4. Debtor's address Principal place of business

100 Crossways Park Drive West
Woodbury, NY 11797

Number, Street, City, State & ZIP Code

Mailing address, if different from principal place of business

P.O. Box, Number, Street, City, State & ZIP Code

Nassau
County

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor
- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 - Partnership (excluding LLP)
 - Other. Specify: _____

Debtor Clear Choice Energy, LLC _____ Case number (if known) _____
 Name _____

7. **Describe debtor's business**

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.8. **Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to *Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

9. **Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- No.

- Yes.

If more than 2 cases, attach a separate list.

District _____ When _____ Case number _____

District _____ When _____ Case number _____

10. **Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?**

- No

- Yes.

List all cases. If more than 1, attach a separate list

Debtor Big Apple Energy, LLC Relationship _____ Affiliate _____District Eastern District of New York When 8/27/18 Case number, if known _____

Debtor

Clear Choice Energy, LLC

Name

Case number (if known)

11. Why is the case filed in this district? Check all that apply:

- Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention? No Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.**Why does the property need immediate attention? (Check all that apply.)**

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

- It needs to be physically secured or protected from the weather.

- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

 Other _____**Where is the property?**

Number, Street, City, State & ZIP Code

Is the property insured? No Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds**

Check one:

 Funds will be available for distribution to unsecured creditors. After any administrative expenses are paid, no funds will be available to unsecured creditors.**14. Estimated number of creditors** 1-49 1,000-5,000 25,001-50,000 50-99 5001-10,000 50,001-100,000 100-199 10,001-25,000 More than 100,000 200-999**15. Estimated Assets** \$0 - \$50,000 \$1,000,001 - \$10 million \$500,000,001 - \$1 billion \$50,001 - \$100,000 \$10,000,001 - \$50 million \$1,000,000,001 - \$10 billion \$100,001 - \$500,000 \$50,000,001 - \$100 million \$10,000,000,001 - \$50 billion \$500,001 - \$1 million \$100,000,001 - \$500 million More than \$50 billion**16. Estimated liabilities** \$0 - \$50,000 \$1,000,001 - \$10 million \$500,000,001 - \$1 billion \$50,001 - \$100,000 \$10,000,001 - \$50 million \$1,000,000,001 - \$10 billion \$100,001 - \$500,000 \$50,000,001 - \$100 million \$10,000,000,001 - \$50 billion \$500,001 - \$1 million \$100,000,001 - \$500 million More than \$50 billion

Debtor Clear Choice Energy, LLC
Name _____

Case number (*if known*) _____

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 27, 2018
MM / DD / YYYY

X

Signature of authorized representative of debtor

Victor Ferreira

Printed name

Title Manager of BAE Energy Management,
LLC, Sole Member of Debtor

18. Signature of attorney

X

Signature of attorney for debtor

Date August 27, 2018

MM / DD / YYYY

Jonathan I. Rabinowitz 1426592

Printed name

Rabinowitz, Lubetkin & Tully, LLC
Firm name

293 Eisenhower Parkway
Suite 100
Livingston, NJ 07039
Number, Street, City, State & ZIP Code

Contact phone 973-597-9100

Email address _____

1426592 NY

Bar number and State

Fill in this information to identify the case:

Debtor name	Clear Choice Energy, LLC
United States Bankruptcy Court for the:	EASTERN DISTRICT OF NEW YORK
Case number (if known):	_____

Check if this is an
amended filing

Official Form 204**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
DTE Energy 414 S. Main Street Suite 200 Ann Arbor, MI 48104						\$340,750.00
Macquarie Bank, Ltd. 125 West 55th Street Level 20 New York, NY 10019				\$20,800,000.00	Unknown	Unknown
New York Independent System Operator 10 Krey Boulevard Rensselaer, NY 12144						\$3,200,000.00
Penta Mezzanine SBIC Fund I, L.P. 20 N. Orange Avenue Suite 1550 Orlando, FL 32801				\$4,000,000.00	Unknown	Unknown

B2030 (Form 2030) (12/15)

United States Bankruptcy Court
Eastern District of New York

In re Clear Choice Energy, LLC

Debtor(s)

Case No.
Chapter11

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$ <u>100,000.00</u>
Prior to the filing of this statement I have received	\$ <u>100,000.00</u>
Balance Due	\$ <u>0.00</u>

2. The source of the compensation paid to me was:

Debtor Other (specify):

3. The source of compensation to be paid to me is:

Debtor Other (specify):

4. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

5. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- a. Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- b. Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- c. Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- d. [Other provisions as needed]

A \$100,000 retainer was paid to Rabinowitz, Lubetkin & Tully, LLC by Big Apple Energy, LLC, as a retainer for post-petition services on behalf of the Debtor and its affiliate Big Apple Energy, LLC. The retainer was infused into the Debtor by Victor Ferreira, manager of BAE Energy Management, LLC, the sole member of the Debtor. It is anticipated that an additional \$150,000 retainer shall be paid to Rabinowitz, Lubetkin & Tully, LLC pursuant to a carveout in connection with anticipated DIP financing from Macquarie Bank Limited.

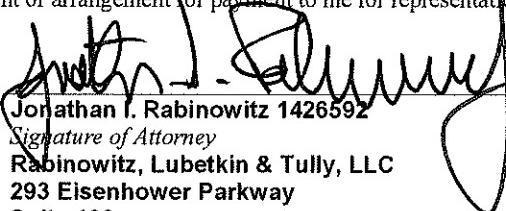
6. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

August 27, 2018

Date


Jonathan I. Rabinowitz 1426592

Signature of Attorney

Rabinowitz, Lubetkin & Tully, LLC

293 Eisenhower Parkway

Suite 100

Livingston, NJ 07039

973-597-9100 Fax: 973-597-9119

Name of law firm

**United States Bankruptcy Court
Eastern District of New York**

In re Clear Choice Energy, LLCCase No.
Chapter11

Debtor(s)

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
BAE Energy Management,LLC 100 Crossways Park Dr. W. Suite 405 Woodbury, NY 11797			100%

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Manager of BAE Energy Management, LLC, Sole Member of Debtor of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date August 27, 2018

Signature

Victor Ferreira

*Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

United States Bankruptcy Court
Eastern District of New York

In re Clear Choice Energy, LLC

Debtor(s)

Case No.
Chapter

11

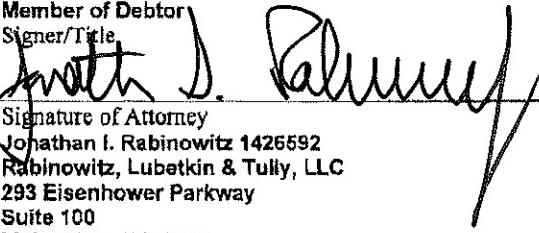
VERIFICATION OF CREDITOR MATRIX

The above named debtor(s) or attorney for the debtor(s) hereby verify that the attached matrix (list of creditors) is true and correct to the best of their knowledge.

Date: August 27, 2018


Victor Ferreira/Manager of BAE Energy Management, LLC, Sole
Member of Debtor

Signer/TITLE


Signature of Attorney
Jonathan I. Rabinowitz 1426692
Rabinowitz, Lubetkin & Tully, LLC
293 Eisenhower Parkway
Suite 100
Livingston, NJ 07039
973-597-9100 Fax: 973-597-9119

Date: August 27, 2018

AAA ESCO, LLC
136 Bay Street
Staten Island, NY 10301

All American Power & Gas
2562 Hylan Boulevard
Staten Island, NY 10306

Allied Energy
76 Union Avenue
Suite H
Ronkonkoma, NY 11779

Ameristar Energy, LLC
8 Shetland Lane
Saint James, NY 11780

Angela Batterson, Esq.
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022

Brennan Posner, Esq.
Eversheds-Sutherland
999 Peachtree Street, N.E
#2300
Atlanta, GA 30309

Christine H. Black
Office of the US Trustee
Alfonso D'Amato Federal C
560 Federal Plaza
Central Islip, NY 11722-4456

City Power and Gas, LLC
9 Stonewall Ridge Road
Newtown, CT 06470

Definite Energy
410 Park Avenue
New York, NY 10022

DTE Energy
414 S. Main Street
Suite 200
Ann Arbor, MI 48104

Dual Fuel Energy Corp.
3605 Segdewick Avenue
Bronx, NY 10463

EDISC
445 Broad Hollow Road
Suite 25
Melville, NY 11747

Energy Solutions
14 Plane Tree Lane
Dix Hills, NY 11746

First Choice Energy
23 Sleepy Hollow Lane
Huntington Station, NY 11746

Flanders Energy
645 Rossville Avenue
Staten Island, NY 10309

Global Energy
95-25 Queens Boulevard
Rego Park, NY 11374

Hi-Rise Energy, LLC
5 Regal Court
Saint James, NY 11780

Ira Kasdan, Esq.
Kelley, Drye & Warren, LL
101 Park Avenue
New York, NY 10178

Karen Ferreira
36 Cedar Street
Syosset, NY 11791

Keil & Sons
1 Fairview Avenue
Fairview, NJ 07022

Light Power & Gas
1449 37th Street
Suite 611
Brooklyn, NY 11218

Macquarie Bank, Ltd.
125 West 55th Street
Level 20
New York, NY 10019

New York Independent
System Operator
10 Krey Boulevard
Rensselaer, NY 12144

North Energy
1425 37th Street
Brooklyn, NY 11218

North Energy Power, LLC
1481 47th Street
Brooklyn, NY 11219

NYC Department of Finance
345 Adams Street, 3rd Fl.
Attn: Legal Affairs Div.
Brooklyn, NY 11201-3719

NYSDept of Taxation & Finance
Bankruptcy Unit
P.O. Box 5300
Albany, NY 12205

Pay Less Energy
111 Washington Avenue
Albany, NY 12210

Penta Mezzanine SBIC
Fund I, L.P.
20 N. Orange Avenue
Suite 1550
Orlando, FL 32801

Pure Energy USA
648 Bay Street
Staten Island, NY 10304

Renaissance Power & Gas
1771 E. Flamingo Road
Las Vegas, NV 89119

RXR Realty LLC
625 RXR Plaza
Uniondale, NY 11556

Union Atlantic Energy
261 South Main Street
Newtown, CT 06470

United Energy Supply Corp
235 Sussex Road
New Rochelle, NY 10804

United Metro Energy Servi
500 Kingsland Avenue
Brooklyn, NY 11222

United States Attorney
Eastern District of NY
Attn: LI Bank. Processi
610 Federal Plaza, 5th Fl
Central Islip, NY 11722-4454

Utility Expense Reduction
410 Franklin Avenue
Garden City, NY 11530

Victor Ferreira
36 Cedar Street
Syosset, NY 11791

United States Bankruptcy Court
Eastern District of New York

In re Clear Choice Energy, LLC

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

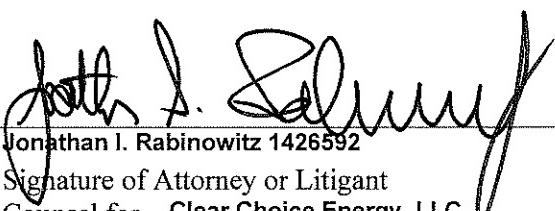
Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for Clear Choice Energy, LLC in the above captioned action, certifies that the following is a (are) LLC : other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the LLC ; equity interests, or states that there are no entities to report under FRBP 7007.1:

BAE Energy Management,LLC
100 Crossways Park Dr. W.
Suite 405
Woodbury, NY 11797

None [*Check if applicable*]

August 27, 2018

Date


Jonathan I. Rabinowitz 1426592
Signature of Attorney or Litigant
Counsel for Clear Choice Energy, LLC
Rabinowitz, Lubetkin & Tully, LLC
293 Eisenhower Parkway
Suite 100
Livingston, NJ 07039
973-597-9100 Fax:973-597-9119

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

STATEMENT PURSUANT TO LOCAL
BANKRUPTCY RULE 1073-2(b)

DEBTOR(S): Clear Choice Energy, LLC CASE NO.: _____

Pursuant to Local Bankruptcy Rule 1073-2(b), the debtor (*or any other petitioner*) hereby makes the following disclosure concerning Related Cases, to the petitioner's best knowledge, information and belief:

[NOTE: Cases shall be deemed "Related Cases" for purposes of E.D.N.Y. LBR 1073-1 and E.D.N.Y. LBR 1073-2 if the earlier case was pending at any time within eight years before the filing of the new petition, and the debtors in such cases: (i) are the same; (ii) are spouses or ex-spouses; (iii) are affiliates, as defined in 11 U.S.C. § 101(2); (iv) are general partners in the same partnership; (v) are a partnership and one or more of its general partners; (vi) are partnerships which share one or more common general partners; or (vii) have, or within 180 days of the commencement of either of the Related Cases had, an interest in property that was or is included in the property of another estate under 11 U.S.C. § 541(a).]

NO RELATED CASE IS PENDING OR HAS BEEN PENDING AT ANY TIME.

THE FOLLOWING RELATED CASE(S) IS PENDING OR HAS BEEN PENDING:

1. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: Eastern District of New York

DEBTOR NAME: Big Apple Energy, LLC

CASE STILL PENDING (Y/N): Y [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above): Affiliate

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

2. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

CURRENT STATUS OF RELATED CASE: _____
(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above): _____

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

3. CASE NO.: _____ JUDGE: _____ DISTRICT/DIVISION: _____

CASE STILL PENDING (Y/N): _____ [If closed] Date of closing: _____

(OVER)

DISCLOSURE OF RELATED CASES (cont'd)

CURRENT STATUS OF RELATED CASE:

(Discharged/awaiting discharge, confirmed, dismissed, etc.)

MANNER IN WHICH CASES ARE RELATED (Refer to NOTE above):

REAL PROPERTY LISTED IN DEBTOR'S SCHEDULE "A" ("REAL PROPERTY") WHICH WAS ALSO LISTED IN SCHEDULE "A" OF RELATED CASE: _____

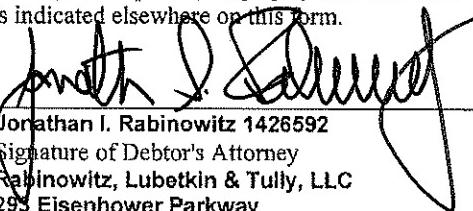
NOTE: Pursuant to 11 U.S.C. § 109(g), certain individuals who have had prior cases dismissed within the preceding 180 days may not be eligible to be debtors. Such an individual will be required to file a statement in support of his/her eligibility to file.

TO BE COMPLETED BY DEBTOR/PETITIONER'S ATTORNEY, AS APPLICABLE:

I am admitted to practice in the Eastern District of New York (Y/N): Y

CERTIFICATION (to be signed by pro se debtor/petitioner or debtor/petitioner's attorney, as applicable):

I certify under penalty of perjury that the within bankruptcy case is not related to any case now pending or pending at any time, except as indicated elsewhere on this form.


Jonathan I. Rabinowitz 1426592
Signature of Debtor's Attorney
Rabinowitz, Lubetkin & Tully, LLC
295 Eisenhower Parkway
Suite 100
Livingston, NJ 07039
973-597-9100 Fax:973-597-9119

Signature of Pro Se Debtor/Petitioner

Signature of Pro Se Joint Debtor/Petitioner

Mailing Address of Debtor/Petitioner

City, State, Zip Code

Area Code and Telephone Number

Failure to fully and truthfully provide all information required by the E.D.N.Y. LBR 1073-2 Statement may subject the debtor or any other petitioner and their attorney to appropriate sanctions, including without limitation conversion, the appointment of a trustee or the dismissal of the case with prejudice.

NOTE: Any change in address must be reported to the Court immediately IN WRITING. Dismissal of your petition may otherwise result.

**UNANIMOUS CONSENT
OF CLEAR CHOICE ENERGY, LLC**

I, the undersigned manager of BAE Energy Management, LLC, the sole member of Clear Choice Energy, LLC (the "Company"), hereby confirm the adoption of the Company of the following resolutions:

BE IT RESOLVED that the Company is authorized to institute a Chapter 11 bankruptcy filing in the United States Bankruptcy Court for the District of New Jersey; and

BE IT FURTHER RESOLVED that the Company is authorized to retain the firm of Rabinowitz, Lubetkin & Tully, L.L.C. to act as its bankruptcy counsel in connection with such Chapter 11 bankruptcy filing.

IN WITNESS WHEREOF, the undersigned have executed this Resolution as of this

27 day of August, 2018.

BAE ENERGY MANAGEMENT, LLC
(Sole Member of Company)

By: 
Manager of BAE ENERGY Management, LLC
Sole Member